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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FIONA HARVEY,

Plaintiff,

V.

NETFLIX, INC. and NETFLIX
WORLDWIDE ENTERTAINMENT, LLC,

Defendants.

Case No. 2:24-cv-04744-RGK-AJR

[PROPOSED] ORDER
GRANTING PLAINTIFF'S
MOTION TO STRIKE
DECLARATIONS OF LAURA
WRAY, RICHARD GADD,
AND LOUISE MICHELLE
OAKLEY

[PROPOSED] ORDER

This matter is before the Court on Plaintiff Fiona Harvey’s Motion to Strike the Declaration of Laura Wray (“Wray”) and all exhibits thereto (ECF 26-27 to 26-43), paragraphs 24-65 of the Declaration of Richard Gadd (“Gadd”) and Exhibits 1-60 thereto (ECF 23-1 to 23-60; ECF 27 to 27-60; ECF 35 to 35-58) ***except the last sentence of Paragraph 41 and Exhibit 44***, and the Declaration of Louise Michelle Oakley (“Oakley”) (ECF 26-3) filed by defendants Netflix, Inc., and Netflix Worldwide Entertainment, LLC (collectively, “Netflix”) in support of Netflix’s Special Motion to Strike pursuant to California Code of Civil Procedure § 426.16 (the “anti-SLAPP statute”) (ECF 26).

11 The Court finds that Wray's Declaration, and all exhibits thereto, solely
12 concern Wray's experience with Harvey twenty years ago which does not form any
13 part of Plaintiff's Complaint against Netflix. Wray's Declaration is immaterial,
14 impertinent and scandalous as Wray does not dispute any of Netflix's statements
15 about Harvey are false.

16 The Court also finds that paragraphs 24-65 of Gadd’s Declaration, and exhibits
17 1-60 ((***except the last sentence of Paragraph 41 and Exhibit 44***), thereto are
18 immaterial, impertinent and scandalous as these paragraphs and exhibits do not relate
19 to any claim asserted in Plaintiff’s Complaint against Netflix and instead exclusively
20 relate to sexually explicit emails Gadd claims Harvey sent him, but that form no part
21 of Harvey’s Complaint against Netflix. Netflix concedes, Gadd’s exhibits “are awash
22 with violent hate speech and sexually explicit, deeply disturbing vitriol that is
23 *nowhere depicted in the Series.*” Netflix Br. at 14.

Finally, the Court finds that Oakley's Declaration is impertinent and scandalous as Oakley's expert opinion that there was sufficient evidence to hypothetically convict Harvey of a crime does not dispute that Harvey was never

1 convicted of a crime as alleged in the Complaint. In addition, Netflix failed to
2 provide notice of an expert witness on foreign law issues pursuant to Fed. R. Civ. P.
3 44.1 and impermissibly attempts to apply foreign law to the facts of this case.
4 *Minebea Co v. Pabst*, 444 F. Supp. 2d 68, 182 (D.D.C. 2006).

5 Plaintiff's Motion to Strike is hereby GRANTED. Accordingly, the
6 Declaration of Laura Wray and all exhibits thereto (ECF 26-27 to 26-43), paragraphs
7 24-65 of Richard Gadd's Declaration and exhibits 1-60 thereto (**except the last**
8 **sentence of Paragraph 41 and Exhibit 44**) (ECF 23-1 to 23-60; ECF 27 to 27-60;
9 ECF 35-58) and the Declaration of Louise Michelle Oakley (ECF 26-3) are hereby
10 struck from the docket.

11 **IT IS SO ORDERED**

12
13 Dated: _____, 2024

14 Hon. R. Gary Klausner
United States District Judge